

REMARKS

Claims 1-35 were considered by the Examiner. Claims 1-12 stand rejected by the Examiner. Claims 13-35 are allowed.

In this response, claim 1 has been amended. Claims 1-35 are pending, and are believed to be allowable as discussed below.

Claim Rejections under 35 USC Sec. 101

Claims 1-12 stand rejected under 35 U.S.C. Sec. 101 as being directed at non-statutory subject matter.

Independent claim 1 as amended recites a voice activity detect (VAD) method that generally includes *receiving communications signals at a microphone*. Receiving communications signals at a microphone is discussed in the Specification, for example, at paragraph [0042] and Figure 7. The method further includes determining an average noise energy level of the communications signals based on noise energy amplitude during periods of no voice activity, converting the average noise energy level to sidetone attenuation that increases with increased noise energy level, generating a VAD threshold based at least in part on the sidetone attenuation, and performing VAD based on the generated VAD threshold.

Therefore, it is respectfully submitted that claim 1 is patentable under 35 U.S.C. Sec. 101 since the method is tied to the physical hardware of a microphone apparatus. Applicant submits that the recited method as amended is therefore not mere manipulation of abstract data. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1.

Claims 2-12

Claims 2-12 are dependent on claim 1. Therefore, it is respectfully submitted that claims 2-12 are patentable under 35 U.S.C. 101 at least for the reasons stated above with respect to the patentability of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 2-12.

CONCLUSION

In view of the above amendments and remarks, allowance of the pending claims is respectfully requested.

Respectfully submitted,

Dated: October 20, 2010

By: /Thomas C. Chuang/

Thomas C. Chuang
IP Law Office of Thomas Chuang
USPTO Reg. No. 44,616
P.O. Box 77174
San Francisco, CA 94107
Phone: 415.274.2598
Fax: 415.274.2598